



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/477,704	06/07/95	HINDERKS	M RCH-22164-F-

34M2/1030  
STEVENS DAVIS MILLER & MOSHER  
515 NORTH WASHINGTON STREET  
PO BOX 1427  
ALEXANDRIA VA 22313

EXAMINER

KAMEN, N

ART UNIT	PAPER NUMBER
3402	7

DATE MAILED: 10/30/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 40-58 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of \_\_\_\_\_

ON THE FOLLOWING PAGES -

**Part III ACTION**

1. The preliminary amendment has now been entered. Claims 21-39 are pending.
2. A full action on the merits of this case cannot be properly undertaken because of the nebulous nature and poor construction of the claims.
3. New claims 29-47 have been renumbered as 40-58 respectively under Rule 126.

**Applicant is required to:**

**A) provide a courtesy copy of the claims with each element numbered and to exact figure to which it is directed.**

From a cursory reading of the ten! (10) independent claims, it appears that a restriction and election are essential. Additionally, a provisional **double patenting** rejection is possible with respect to copending application **08/441,117 and 08/477,703**. Applicant should closely review the claims in both cases.

**B) amend the claims to provide a clear structurally unified assembly.**

For example, in claim 40, the functional language must have clear structural support. What elements operate to "...permitting flow ...to and from..."? Many claims recite a closed end, but then set forth a projecting portion which pierces the closed end. Claims 49-57 are vaguely descriptive.

**C) precisely identify the areas of the specification which provide antecedent support for the claim language.**

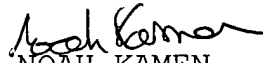
The specification sets forth many different embodiments and many subcombinations. However, some of the subcombinations are not useable with each other; therefore, a claim might improperly depend on another. For example, a claim directed to figure 354 could not depend from a claim directed to figure 385.

Serial Number: 08/477,703  
Art Unit: 3402

-3-

3. With the above steps taken a complete and detailed action will be taken, including the identification of allowable subject matter. While this action is out of the ordinary, so is a disclosure with **252 written pages!** and **468 figures!**

4. Inquiries concerning the examiner's actions should be directed to Noah Kamen at (703)308-1945. The supervisory examiner, Henry Yuen, can be called at 308-1946. The fax number is 305-3463. Questions of a general nature concerning the application should be directed to the group receptionist at 308-0861.

  
NOAH KAMEN  
PRIMARY EXAMINER  
ART UNIT 3402

NK  
September 24, 1996